

Late Backup

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August 2, 2011

**TO:** The Honorable Mayor and City Council Members, City of Austin  
Shirley Gentry, City Clerk

**FROM:** Dana DeBeauvoir

**RE:** 2012 City of Austin Elections

I know that you have been examining all of the issues and are working toward reaching a decision regarding the timing of your elections. To help with that process, I would like to share my concerns about using the May 2012 uniform date and list the options we see the City has available. I also want to reiterate, that no matter your decision, I stand ready to do whatever I can to continue providing election services to the City of Austin. My primary concern is that forcing the regular municipal election into the crowded May 2012 calendar will be bad for voters.

Senate Bill 100 passed in this last session poses immediate challenges for local jurisdictions and election officials who regularly conduct elections on the May uniform election date. I know we all appreciate the Legislature's effort to resolve the need for a 45-day lead time for mailing overseas and military ballots for the primary runoff elections. Despite our efforts to encourage less cumbersome solutions, the calendar changes that were finally enacted left serious issues that have yet to be resolved by the Legislature. It is my professional opinion that the Legislature needs to cure the problems created by SB 100 before we attempt to use the even-numbered May date for a local election, especially during a presidential election year.

The basic problem SB 100 creates is that it causes the primary runoff election and the regular City of Austin election to overlap in 2012. Specifically, the dates for the City of Austin 2012 election could remain the same - early voting for the May election will begin April 30<sup>th</sup> and run to May 8<sup>th</sup>. The City of Austin Election Day will be on Saturday, May 12<sup>th</sup>. The very following Monday, May 14, early voting for the Primaries runoff elections will begin and run until May 18<sup>th</sup>, with Election Day falling on Tuesday, May 22. After that, the City's runoff will occur on the second or third Saturday in June. For arguments sake, we are assuming the day to be June 16. If that is the case, then less than two weeks after the primary runoff, early voting for the City runoff begins. (These dates do not include additional overlapping dates pertaining to by-mail ballots.) This is a confusing set of dates, and in case it is helpful, I have attached both a calendar and a list of key deadlines for your review.

Some of main reasons why these conflicting elections cause me such concern are:

1. **It will be confusing and frustrating for voters.** We are worried that the saturation of information that voters are going to receive regarding the candidates and issues in the *Presidential primary and possible runoff, the precinct conventions, redistricting, and new voter ID laws* is going to make getting the complicated message of how and why these elections have to be separate and overlapping very difficult to deliver. We are concerned that this scenario will discourage voters away from the polls, or even worse, cause some to lose their opportunity to vote because they went on the wrong day or place to vote.
2. **It will be more difficult to have well-trained, effective poll workers.** We have exceptional poll workers who spend many hours in training, have to learn complex election procedures, and are committed to performing their jobs as perfectly as possible since even the smallest of errors can disenfranchise a voter. By law, primary elections are separate from other types of elections. The procedures used in a Presidential primary election are very different from those used in regular elections. In the past, we have kept those trainings separate. This year, we are still debating how to best minimize the risk of errors if training for both types of elections would have to happen on top of one another.
3. **It will create logistical challenges that could result in higher costs, longer lines, and the potential for more errors.** For example, the Presidential primary runoff elections have the potential to have a higher-than-average turnout. There is usually a fall off in the number of voters who participate in a runoff election, so under normal circumstances, we could imagine deploying less equipment for the runoff and then turnaround with sufficient equipment for the May election. While there will be no runoff in the Presidential race, there could easily be runoff elections for the offices of United States Senate and House of Representatives. Runoffs in these races have in the past produced high turnouts and often have high profile and well-funded candidates. With the public's current strong interest in the actions of Congress, there could be hotly contested races on both party's tickets. There is no crystal ball with elections, but we have to have a plan ready for every scenario.

There are several other options I hope you will consider. All of them would cause fewer problems for voters, less complicate the lives of our poll workers, reduce logistical issues, and, for two of the options, reduce costs. They are:

1. Decide to hold your local elections on the May uniform date in odd-numbered years.
2. Decide to hold your elections on the November uniform date in even- and/or odd-numbered years.
3. Decide to hold your election in November 2012 and reconsider your options after the legislature has reconvened. We have already heard that legislators realize that something will need to be done next session to address these problems. **If at that time, you decide to go with May elections in even-numbered years, at least you will not be introducing this scenario to voters during a Presidential election year.**

You may find the use of the November date especially attractive because it could result in lower costs than what you have now. With rare exception, the County will regularly be a partner in your November election. This could mean a reduction by as much as half the normal cost of a Spring election. If the other entities follow your lead, then costs could be even more significantly reduced.

I realize there has been some discussion about the City conducting its own elections. I hope this option is not being given much merit. For eight years, our collaboration has resulted in reduced costs while providing increased convenience for voters, common balloting and voting locations, accessible voting equipment, better-trained and effective poll workers, consistency in procedures, and high standards of election administration. We have particularly enjoyed a very positive relationship with the City of Austin and all of our efforts are held as an example of how collaborative government can work. The importance of this partnership has been especially evident in recent months with the City's involvement in the County Clerk's Election Study Group. This Group met for a year and formulated initial plans regarding this community's next voting system. As a result of those efforts, requirements are being gathered for a new system that will give voters a paper ballot that can be electronically tabulated. We hope to have this new system implemented in 2013.

I know we all feel a profound sense of obligation to the citizens of Travis County and will find an answer that best serves the voters. I will do my very best to be of assistance to you. Please contact me if you have any questions.

Warmest regards,

Dana DeBeauvoir  
Travis County Clerk

2012	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
March	26	27	28	29	Primary Election		3
	4	5	6 E-DAY	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31
April	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
May	29	30	1	2	City Election		5
	6	7	8	9	10	11	12
	13	14	15	16	Primary Runoff		19
	20	21	22 E-DAY	23	24	25	26
June	27	28	29	30	31	1	2
	3	4	5	6	City Runoff		9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30

- City of Austin Elections
- Primary Elections